

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHEILA ALVAREZ,

Plaintiff,

vs.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES,

Defendant.

8:22CV353

MEMORANDUM AND ORDER

On October 11, 2022, Plaintiff filed a Motion for Leave to Proceed in Forma Pauperis (“IFP”), [Filing No. 2](#), that was incomplete as portions of the form motion were omitted, specifically that portion of the form in which Plaintiff identifies the amount of money she has in cash or in a checking or savings account. On October 18, 2022, the Court denied Plaintiff’s motion without prejudice to reassertion in an IFP motion that complies with [28 U.S.C. § 1915](#). [Filing No. 5](#). On October 28, 2022, Plaintiff filed a second IFP motion. [Filing No. 6](#). However, Plaintiff’s present motion suffers from the same defect as her initial motion as paragraphs 4 and 5 that ask Plaintiff to identify her available cash and other items of value have been cut off and are not included in Plaintiff’s motion. [Filing No. 6 at 2](#).

Because the Court cannot determine the extent of Plaintiff’s available assets, Plaintiff’s IFP motion does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor”). Again, Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to

the Clerk's office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#). **To be clear, if Plaintiff elects to submit a new IFP motion, she must use the Form AO 240 Application to Proceed in District Court Without Prepaying Fees or Costs enclosed with this Memorandum and Order, and the form must be filled out completely.** Failure to comply with this Memorandum and Order within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP, [Filing No. 6](#), is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).

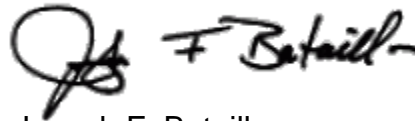
2. Plaintiff is directed to submit the \$402.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. **If Plaintiff elects to submit a request to proceed IFP, she must use the Form AO 240 Application to Proceed in District Court Without Prepaying Fees or Costs enclosed with this Memorandum and Order, and the form must be filled out completely.** Failure to take either action will result in dismissal of this matter without further notice.

3. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **December 2, 2022:** Check for MIFP or payment.

Dated this 2nd day of November, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long horizontal stroke at the end.

Joseph F. Bataillon
Senior United States District Judge